

WINDELS MARX LANE & MITTENDORF, LLP

156 West 56th Street
New York, NY 10019
212-237-1000
Howard L. Simon
Kim M. Longo
John J. Tepedino

*Special Counsel to Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

JOYCE CERTILMAN, individually, and in her
capacity as joint tenant in the Morton Certilman and
Joyce Certilman J/T WROS; and MORTON
CERTILMAN, individually, and in his capacity as
joint tenant in the Morton Certilman and Joyce
Certilman J/T WROS,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04356 (SMB)

NOTICE OF MEDIATION REFERRAL

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Defendants Joyce Certilman, individually, and in her capacity as joint tenant in the Morton Certilman and Joyce Certilman J/T WROS; and Morton Certilman, individually, and in his capacity as joint tenant in the Morton Certilman and Joyce Certilman J/T WROS (the “Defendants”) in this Adversary Proceeding on January 31, 2011 [Dkt. No. 5], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, and Defendants may jointly agree to enter mediation prior to or upon completion of discovery without further court order. Avoidance Procedures, ¶ 5A.

Through this Notice of Mediation Referral, the Trustee and Defendants (the “Parties”) hereby mutually agree to enter mediation.

Pursuant to the Avoidance Procedures, within 14 calendar days after the filing of this Notice of Mediation Referral, the Parties shall choose a mediator in accordance with the Mediation Order. If the Parties are unable to agree on a mediator, the Court shall appoint one in accordance with the Mediation Order. Avoidance Procedures, ¶5C.

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

Dated: New York, New York
May 4, 2015

WINDELS MARX LANE & MITTENDORF, LLP

By: /s/ Howard L. Simon

Howard L. Simon, Esq.

Kim M. Longo, Esq.

John J. Tepedino, Esq.

156 West 56th Street

New York, NY 10019

Telephone: (212) 237-1000

Facsimile: (212) 262-1215

*Special Counsel for Irving H. Picard, Esq., Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC and
Bernard L. Madoff*